

City of La Vergne, Tennessee

5093 Murfreesboro Road, La Vergne, TN 37086 ♦ (615) 793-6295

APPLICATION FOR A CERTIFICATE OF GOOD MORAL CHARACTER AND FOR A CERTIFICATE OF COMPLIANCE TO SELL LIQUOR BY-THE-DRINK AT A RESTAURANT, HOTEL, CLUB, ETC., AS REQUIRED BY TITLE 8, CHAPTER 2 OF THE LA VERGNE MUNICIPAL CODE

Pursuant to Title 8, Chapter 2 of the City of La Vergne Municipal Code, and, if applicable, Section 57-4 of Tennessee Code Annotated, the undersigned submits this application for a Certificate of Good Moral Character and a Certificate of Compliance as required to support an application to the City of La Vergne Board of Mayor and Aldermen and to the State of Tennessee Alcoholic Beverage Commission to establish an On-Premise Consumption Retail Business within the City Limits of the City of La Vergne, Tennessee. This application, when properly completed, executed and sworn to before a Notary Public, is to be filed with the City Recorder. For a Certificate of Good Moral Character and a Certificate of Compliance, the City of La Vergne **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. If approved, a City Business License must be obtained from the Tax Department.
3. The laws of the State of Tennessee, the Rules and Regulations of the State Alcoholic Beverage Commission and Title 8 of the City of La Vergne Municipal Code must be complied with.

APPLICANT INFORMATION

1. Full Name: _____
 2. Address: _____

 3. Telephone #: _____
 4. Please select type of Applicant:
☐ INDIVIDUAL - Go to Section A - Page 2
☐ PARTNERSHIP - Go to Section B on Page 3
☐ CORPORATION - Go to Section C on Page 4
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A. FOR AN INDIVIDUAL (Any Correspondence will be addressed to the individual.)

3. Date of Birth: _____

4. Have you been convicted of a felony within the past ten (10) years? ☐ YES or ☐ NO

5. What is your occupation or business? _____

6. If employed, the name of the employer: _____

7. Address of the employer: _____

8. If in business, the kind of business: _____

9. Please give the location of the business: _____

B. FOR A PARTNERSHIP (Any Correspondence will be addressed to the managing partner.)

Managing Partner Information

10. Full Name: _____

11. Address: _____

12. Date of Birth: _____ 13. Telephone Number: _____

14. List all individual partners and the following information:

Name	Address	Phone Number	Date of Birth

(If additional space is needed, please use an additional sheet of paper.)

15. List the following information for each Partner:

Name	Driver's License State and Number	Social Security Number

(If additional space is needed, please use an additional sheet of paper.)

16. Have any of the Partners been convicted of a felony within the past ten (10) years?
☐ YES or ☐ NO

Attach as an exhibit to this application, a copy of the partnership agreement.

C. FOR A CORPORATION (Any Correspondence will be addressed to the Corporation.)

17. State of Incorporation: _____ 18. Date of Incorporation: _____

19. What is the date of qualification to do business in Tennessee if the State of Incorporation is other than Tennessee: _____

20. List all **Officers** of the Corporation with the following information:

Name	Address	Phone Number	Date of Birth

(If additional space is needed, please use an additional sheet of paper.)

21. List all **Directors** of the Corporation with the following information:

Name	Address	Phone Number	Date of Birth

(If additional space is needed, please use an additional sheet of paper.)

22. Have any Officers or Directors of this Corporation been convicted of a felony within the last ten (10) years? ☐ YES or ☐ NO

Attach as an exhibit to this application, a copy of the Corporation Charter.

STORE INFORMATION

1. Address of Proposed Restaurant, Hotel, Club, etc.: _____
2. Name of Proposed Restaurant, Hotel, Club, etc.: _____
3. Give the following information for the Property Owner(s) where the Store will be located:

Name	Address	Phone Number

(If additional space is needed, please use an additional sheet of paper.)

Please attach a copy of the lease or other agreement between you and the owner of the premises to which you are or will be entitled to establish this business.

4. What is the Zoning District for this location: _____
5. Does the proposed location of this business meet the distance requirements set out in Title 8, Chapter 2, Section 8-210 of the La Vergne Municipal Code? ☐ YES or ☐ NO
6. Will the proposed business provide separate sanitary facilities for men and women, conforming to the building code, located within the area where business is conducted?
☐ YES or ☐ NO
7. Will all seating on the ground level be covered by a permanent roof? ☐ YES or ☐ NO
8. Does the proposed business have a seating capacity of at least seventy-five (75) people at tables, or if you are seeking a "wine only" liquor license, does the proposed business have a seating capacity of at least fifty (50) people at tables? ☐ YES or ☐ NO

OATH OF APPLICANT

In making this application for a Certificate of Good Moral Character and for a Certificate of Compliance, I hereby certify that to the best of my knowledge, all information on this application is true and complete. I understand that if any information is found to be untrue, it may disqualify me from any further consideration for either Certificate.

I further agree to comply with all Federal and State Laws and the Rules and Regulations of the Tennessee Alcoholic Beverage Commission, as well as the Ordinances and Municipal Code of the City of La Vergne, Tennessee.

I further agree to allow the City of La Vergne to conduct an investigation of my background and do hereby release the City of La Vergne from any liability or any change which may result from furnishing the information requested.

Applicant Signature

Date:

This application shall be verified by the oath of the applicant and in the event the applicant is a Partnership, it shall be verified by the oath of the managing general partner or if the applicant is a Corporation, it shall be verified by the oath of the President of the Corporation. The Oath shall must be signed before a Notary Public to be valid.

Notary Section for an Individual or a Partnership

STATE OF TENNESSEE)

COUNTY OF _____)

Personally appeared before me, _____, a Notary Public in and for said county and state, that _____, personally known to me, or proved to me with identification, who, upon oath, acknowledge that he / she did execute the attached application for a Certificate of Good Moral Character and for a Certificate of Compliance and that the facts and representations contained therein are true.

Witness my hand and seal at office this _____ day of _____, 20____.

Notary Public

My Commission expires: _____

(Seal)

Notary Section for a Corporation

STATE OF TENNESSEE)

COUNTY OF _____)

Before me, _____, a Notary Public in and for State and County aforesaid, personally appeared _____, with whom I am personally acquainted or proved to me with identification, and who, upon oath, acknowledged himself / herself to be the _____, of _____, the within named bargainer, a corporation, and that he / she as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself / herself as _____.

Witness my hand and official seal, at office this _____ day of _____, 20____.

Notary Public

My Commission expires: _____

(Seal)

(For Office Use Only)

This application was filed with the City of La Vergne City Recorder this the _____ day of _____, 20____, at _____ A.M. / P.M.

City Recorder

LA VERGNE POLICE DEPARTMENT
PERSONAL HISTORY SHEET FOR A BACKGROUND CHECK

If information does not apply to you, please insert N/A in the blank. If you need more space, please attach an additional sheet.

Name: _____ **Home Phone:** _____

Home Address: _____ **Cell Phone:** _____

_____ **Description:** _____ **Age:** _____

Birthdate and Place: _____ **Color:** _____ **Sex:** _____

Social Sec. #: _____ **Height:** _____ **Weight:** _____

Military Serial #: _____ **Hair:** _____ **Eyes:** _____

Scars / Tattoos: _____

Driver's License No. and State: _____

Automobile Info - Make: _____ **Model:** _____ **Year:** _____ **Tag #:** _____

Education: _____

Occupation: _____

Criminal Record: _____

Relatives:

Name	Address	Phone Number

Associates:

Name	Address	Phone Number

CHAPTER 2

INTOXICATING LIQUORS--HOTELS, RESTAURANTS, ETC.

SECTION

- 8-201. Scope of chapter.
- 8-202. State laws to be compiled with.
- 8-203. Privilege tax.
- 8-204. Certificate of good moral character required.
- 8-205. Grounds for denial of certificate of good moral character.
- 8-206. Certificate of compliance required.
- 8-207. Hours of sale.
- 8-208. City privilege license.
- 8-209. Regulation of sales.
- 8-210. Location restrictions.
- 8-211. Advertising.
- 8-212. Revocation of beer permit reported to ABC.
- 8-213. Prohibited sexual or pornographic conduct.

8-201. Scope of chapter. It shall be unlawful to store, transport, sell, give away, distribute, possess and receive alcoholic beverages in the city unless provision of this chapter and the laws of the State of Tennessee and the State Rules and Regulations of the Alcoholic Beverage Commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #2000-22, Jan. 2001)

8-202. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in any retail business for consumption of alcohol on the premises unless all the necessary state licenses and permits have been obtained. (as added by Ord. #2000-22, Jan. 2001)

8-203. Privilege tax. There is hereby levied against all retail establishments selling at retail in this city any alcoholic beverages for consumption on the premises, a privilege tax pursuant and identical to the provisions of Tennessee Code Annotated, § 57-4-301, which is incorporated herein by reference as though the same were fully set forth herein, and those privilege taxes provided in that section are levied at the same amounts by the City of LaVergne, Tennessee. This section shall apply to private clubs as well as hotels and motels and all other establishments enumerated in that statute.

The amounts of privilege taxes as set out in Tennessee Code Annotated, § 57-4-301 shall be for the calendar year in which is paid and shall expire on January 1st of each year. The privilege tax for the new calendar year shall be submitted to the city recorder on or before January 10th of each year. If a new license is approved during a calendar year, the license holder shall pay a pro rata portion of the privilege taxes set out herein. If the privilege taxes are not submitted to the city recorder on or before

January 10th of each year or within 10 days of receiving a new license, the certificate of compliance shall be revoked and a certification thereof will be forwarded to the Alcoholic Beverage Commission of the State of Tennessee and the license to said application shall be considered to have been canceled and revoked. (as added by Ord. #2000-22, Jan. 2001)

8-204. Certificate of good moral character required. Each applicant for a license to sell alcoholic beverages for consumption on the premises of any hotel, restaurant or club must first obtain a certificate of good moral character, on a form provided by the city recorder, signed by the Mayor of the City of La Vergne. The certificate shall state:

- 1) That the applicant is personally known to the mayor and the board of aldermen and is a person of good moral character; or
- 2) That the applicant is not personally known to the mayor and the board of aldermen, but that the city has made careful investigation of the applicant's general character and from such investigation, has determined it to be good.

Consideration of each application for a certificate shall be undertaken at a regular or specially called meeting of the board of mayor and aldermen and approved by the vote of at least three (3) members thereof.

Each applicant for a certificate of good moral character is deemed to consent, by virtue of his application, to an investigation of his general character including, but not limited to, the determination of any record of convictions. (as added by Ord. #2000-22, Jan. 2001)

8-205. Grounds for denial of certificate of good moral character. It shall be grounds for denial of the certificate of good moral character that:

- 1) The applicant has been convicted of a felony or, if a corporation, that any executive officers or those in control have been convicted of a felony; or
- 2) The applicant has been convicted of a crime involving moral turpitude. (as added by Ord. #2000-22, Jan. 2001)

8-206. Certificate of compliance required. Each applicant for a license to sell alcoholic beverages for consumption on the premises of any hotel, restaurant or club must obtain, in addition to the certificate of good moral character, a certificate of compliance signed by the public works director. The certificate shall state:

- 1) That the proposed use is a permitted use or is existing legally and is allowable in the zone in which it is located; and
- 2) That the establishment for which the certificate is sought provides separate sanitary facilities for men and women, conforming to the building code, located within the area where business is conducted; and
- 3) That all seating on the ground level is covered by a permanent roof; and
- 4) That the establishment for which the certificate is sought has a seating capacity of at least seventy-five (75) people at tables, except restaurants which are seeking a "wine only" liquor license must have a minimum of fifty (50) seats; and
- 5) That the establishment for which the certificate is sought is in compliance with the location restrictions listed in § 8-210 of the La Vergne Municipal Code; and

- 6) That the premises either have:
 - a) A certificate of occupancy issued by the City of La Vergne; or
 - b) A memorandum signed by the building official in the codes department stating that the premises were constructed prior to the effective date of this chapter and does not have a certificate of occupancy; and that the city neither offers nor expresses an opinion as to the compliance (or lack thereof) of the premises with regard to any building, health or safety codes.

It shall be grounds for denial of the certificate of compliance if the applicant fails to meet each and every requirement of this section. (as added by Ord. #2000-22, Jan. 2001)

8-207. Hours of sale. No licensee shall permit alcoholic beverages to be consumed on the licensed premises between the hours of 3 A.M. and 8 A.M. on Monday through Saturday or between the hours of 3 A.M. and 12 noon on Sunday. (as added by Ord. #2000-22, Jan. 2001)

8-208. City privilege license. The privilege license shall be levied on the business in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee, by Chapter 387 of the Public Acts of 1971, as amended. (as added by Ord. #2000-22, Jan. 2001)

8-209. Regulation of sales. 1) Sales to minors. No retailer shall sell or give away any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for any such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21) years of age.

2) Sales to person intoxicated. No retailer shall sell or give away any alcoholic beverages to any person who is drunk, nor shall any retailer sell or give away any alcoholic beverages to any person accompanied by a person who is drunk.

3) Sales on credit. No holder of a permit for the sale of alcoholic beverages for retail shall sell, deliver or cause, permit or procure to be sold or delivered any alcoholic beverages on credit.

4) Unstamped merchandise. No retailer shall own, store, or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

5) Political advertising. No political advertising of or for any candidate or party by poster, handout card, matches or other similar election campaign material shall be placed or dispensed on the premises.

6) No form of entertainment, including pinball machines, game tables, pool tables, or similar devices, shall be permitted to operate upon any premises for which alcoholic beverages are sold for consumption on the premises.

7) No permit shall be issued authorizing on-premises consumption of alcoholic beverages unless the place of business for which a permit for on-premises consumption sells food prepared for on-premises consumption as a normal, regular and integral part of its every day activities and unless such food is available for purchase during the same hours that alcoholic beverages are sold for on-premises consumption.

It shall be grounds for revocation of an existing permit for an on-premises consumption if the total dollar volume of sales of the permit holder attributable to such food is less than sixty percent (60%) of the total dollar volume of sales of such food and alcoholic beverages combined.

In determining the ratio of food sales to combined food and alcoholic beverages sales, the permit holder may, at holder's option, utilize sales figures for any one of the following three time periods:

- a) Most recent calendar year;
- b) Most recent fiscal year of holder;
- c) Most recent consecutive 12 month period.

If the permit holder also holds a City of La Vergne beer permit, the beer sales shall be combined with the alcoholic beverages sales to get the final ratio.

Any holder or applicant who has less than 12 months continuous operating history immediately preceding the filing of an application upon which to determine compliance may nevertheless retain a license previously issued or file an application and, if otherwise qualified, be granted a permit for on premises consumption, provided the holder or applicant submits an affidavit to the best of the holder's or applicant's knowledge, information or belief that holder or applicant will, during the initial 12 months of permitted on premises consumption of alcoholic beverages, be in compliance with the required percentage so as to meet the requirements of this chapter.

The holder of an on premises consumption permit or license shall file with the city recorder on or before July 1 of each year, financial information in form and content sufficient in the opinion of the city recorder to demonstrate actual compliance by the permit or license holder with the 60% ratio requirement of food sales to total combined food and alcoholic beverages sales for holder's applicable 12 month period. In lieu of submitting financial data, holder may submit the statement of holder's accountant, submitted on the accountant's letterhead stationary and signed by said accountant attesting to the accountant's verification of compliance by holder with this provision of this chapter. Holder's failure to establish compliance with said ration requirement on or before July 1 of each year, shall be grounds for the certificate of compliance to be revoked and a certification thereof will be forwarded to the Alcoholic Beverage Commission of the State of Tennessee and the license to said application shall be considered to have been canceled and revoked. (as added by Ord. #2000-22, Jan. 2001)

8-210. Location restrictions. (1) For the purposes of this section, the following words, terms and phrases are hereby defined. Terms not hereby defined shall have their standard dictionary definition or such as the context may imply.

(a) School: A school as referred to herein shall be a public or private institution, including kindergarten, where regular classes are conducted under the supervision of a state licensed teacher or instructor, including schools or colleges where specialized subjects are taught to students of all ages. Such term shall include vocational, medical, law, art, cosmetology, and other institutions where similar special subjects are taught.

(b) Church: A church as referred to herein shall be a building or property where church services are regularly held at least one day per week and the premises are occupied for church purposes only.

(c) Licensed Daycare Center: A licensed daycare center as referred to herein shall be any home or business that is licensed by the State of Tennessee to provide daycare services to children. The licensed daycare center may exist in either a Residential or Commercial Zoning District.

(d) Public Playground or Park: A public playground or park as referred to herein shall be any property owned by the City of La Vergne and operated by the Parks & Recreation Department. For the purposes of this chapter, the front boundary of Bicentennial Park, located behind the Police Department at 5093 Murfreesboro Road, begins at the rear of the parking area and impound lot behind the Police Department building.

(2) Any restaurant applying for a license to sell alcoholic beverages for consumption on the premises in the City of La Vergne shall be located in either Zone C-2, C-3, or C-4 as appears on the official zoning map of the City of La Vergne on the date of application. In no event will a restaurant be allowed when it is within two hundred (200) feet of any school, church, licensed daycare center or public playground or park. This distance is to be measured in a straightline from the closest point of the building from which the alcoholic beverages will be sold for consumption on the premises, and the nearest point on the building of the school, church or licensed daycare center, or in the case of a public playground or park from the closest point of the applicant's building to the closest point in the nearest boundary of the public playground or park, however, if the applicant leases space in a shopping center or strip mall the two hundred (200) foot distance shall be measured in a straightline from the closest point of the nearest outside wall of the applicant's leased space to the closest point of the building of the school, church or licensed daycare center. These distance regulations shall not apply to a school, church or licensed daycare center that is located on property in a shopping center or strip mall.

(3) Any hotel or club applying for a license to sell alcoholic beverages for consumption on the premises in the City of La Vergne shall be located in either Zone C-2, C-3, or C-4 as appears on the official zoning map of the City of La Vergne on the date of application. In no event will a hotel or club be allowed when it is within 500 feet of any school, church, licensed daycare center or public playground or park. This distance is to be measured in a straightline from the closest point of the building from which the alcoholic beverages will be sold for consumption on the premises, and the nearest point on the building of the school, church or licensed daycare center, or in the case of a public playground or park from the closest point of the applicant's building to the closest point in the nearest boundary of the public playground or park, however, if the applicant leases space in a shopping center or strip mall the five hundred (500) foot distance shall be measured in a straightline from the closest point of the nearest outside wall of the applicant's leased space to the closest point of the building of the school, church or licensed daycare center. These distance regulations shall not apply to a school, church or licensed daycare center that is located on property in a shopping center or strip mall.

8-211. Advertising. There shall be no liquor advertising of any kind whatsoever outside of the building on the premises where alcoholic beverages are sold except as hereinafter set out. There may be placed on the front of said building but not extending therefrom over four (4) feet a sign setting out the name of the store in letters not taller than eight (8) inches and such sign shall not be over fifteen (15) feet in its entire length. No such sign shall contain letters of neon or electrical material or apparatus so as to produce lighting within the letters themselves. In no event shall such sign use the words other than "liquor" and "wine," or any other word intended to denote a type of alcoholic beverage which might be obtained on the inside of the building on the premises. Except as above shown and except on the inside of any building in which alcoholic beverages are sold, there shall be no advertising of any nature whatsoever intended to advertise the sale of any alcoholic beverages within the corporate limits of the City of La Vergne.

All other advertising or signs must abide by the City of La Vergne Sign Ordinance. (as added by Ord. #2000-22, Jan. 2001)

8-212. Revocation of beer permit reported to ABC. When any person, firm, or corporation holds both a license to sell intoxicating liquors for consumption on the premises and a beer permit, should the beer permit be revoked or suspended, the city recorder is hereby directed to send a certified copy of the revocation to the Alcoholic Beverage Commission pursuant to Tennessee Code Annotated, § 57-4-202(b). In addition, when the person, beer board, or city council is considering the suspension or revocation of such beer permit, consideration shall also be given to suspending the licensee's license for the sale of intoxicating liquors for the consumption on the premises as provided in Tennessee Code Annotated, § 57-4-202. Said person, beer board, or city council shall have the authority to suspend the liquor license of any such person, firm, or corporation as authorized by Tennessee Code Annotated, § 57-4-202. (as added by Ord. #2000-22, Jan. 2001)

8-213. Prohibited sexual or pornographic conduct. Tennessee Code Annotated, § 57-4-204 is hereby incorporated herein as if copied verbatim in its entirety. The La Vergne Police Department is hereby authorized and directed to investigate and police the places of business holding a license to sell intoxicating liquors for consumption on premises and shall report violations to the Alcoholic Beverage Commission as authorized by Tennessee Code Annotated, § 57-4-204(e). (as added by Ord. #2000-22, Jan. 2001)